

REMARKS

Summary of the Office Action

Claims 1-7, 9, 11-13, 15-17 and 19-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,477,649 to Bessert.

Claims 8 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bessert in view of U.S. Patent No. 4,364,215 to Gailey et al. ("Gailey").

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bessert in view of U.S. Patent No. 4,438,610 to Fifer.

Summary of the Response to the Office Action

Claims 1-25 are pending, of which claims 10 and 21-25 are withdrawn from consideration.

All Claims Define Allowable Subject Matter

Claims 1-7, 9, 11-13, 15-17 and 19-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bessert. The Examiner maintains that Bessert shows, *inter alia*, "an arm (118) extending from and supported by the base for cantilevered movement relative [to a first surface] ... the arm being deflectable by the weight of a panel mounted thereon." p. 3 of Office Action. The Examiner also maintains that "the base includ[es] four resilient arms extending from and supported by the base." *Id.* Applicant asserts that the "arms" of the Bessert device are not "supported by [the] base for cantilevered movement relative [to the base], not "deflectable by the weight of a panel," and that the pedestal head is not resilient, as described in the disclosure of the

present invention and required by claim 1. “Cantilever” is defined as “[a] member, such as a beam, that projects beyond a fulcrum and is supported by a balancing member or a downward force beyond the fulcrum.” THE AMERICAN HERITAGE COLLEGE DICTIONARY 206 (3d ed. 2000). A “fulcrum” is defined as “the point or support on which a lever pivots.” *Id.* at 550. Thus, “an arm extending from and supported by [a] base for cantilevered movement relative [to the base]” must extend from a pivot point. The “arms” of the Bessert device are attached to the base on two sides and in two different planes, meaning there is no pivot point and making it difficult to move the “arms” with respect to the base. In addition, Bessert discloses a bottom plate 122 secured to the top plate 118 “by welding or other similar permanent fastening method.” Bessert at Fig. 2 and col. 6, lines 22-25. Attaching the bottom plate 122 to the top plate 118 further increases the rigidity of the pedestal head. In other words, the pedestal head of Bessert is clearly not – nor is it intended to be – resilient.

In contrast to Bessert, the arms 44 of the present invention are attached to the top plate 42 on only one side and in only one plane, providing a pivot point and making it far easier to deflect the arms 44 of the present invention than the “arms” of the Bessert device. The resilience of the pedestal head of the present invention is clearly shown in Figs. 8B and 8C of this application. It is clear from the structure of the pedestal head of the Bessert device that its “arms” would not deflect, as shown in Figs. 8B and 8C, without a much greater force than that used to deflect the arms 44 of the present invention and without permanently deforming the pedestal head of the Bessert device. Thus, Bessert does not teach a resilient pedestal head with deflectable arms or cantilevered movement.

Accordingly, Applicants respectfully submit that Bessert does not teach or suggest at least the features of “[a] resilient pedestal head ... comprising ... an arm extending from and supported by said base for cantilevered movement relative thereto, said arm being deflectable by the weight of a panel mounted thereon to define a second configuration in which said second surface is nonparallel to said first plane,” as recited in claim 1. Claims 2-7, 9 and 11-12 ultimately depend from claim 1 and recite the same combination of allowable features recited in claim 1, as well as additional features that define over the prior art.

Claim 13 recites an elevated floor system including a pedestal having a head for supporting first and second panels. The head includes a base having a first mounting surface contiguously supporting first portions of corners of the first and second floor panels, and first and second cantilevers extending from the base. Each cantilever includes a second mounting surface, vertically spaced from the first surface, contiguously supporting a second portion of the corner of one of the first and second floor panels. The first and second cantilevers are deflectable under the weight of the panels mounted thereon to define a second configuration in which the first and second surfaces are nonparallel.

Bessert shows that floor panels 22 are supported by floor panel stringers 28. Applicants respectfully submit that – as explained above – Bessert does not teach or suggest at least the features of a pedestal head having a base with a first mounting surface contiguously supporting first portions of corners of first and second floor panels, and first and second cantilevers extending from the base, each cantilever including a second mounting surface, contiguously supporting a second portion of the corner of one of the first and second floor panels, and the first

and second cantilevers being deflectable under the weight of the panels mounted thereon to define a second configuration in which the first and second surfaces are nonparallel, as recited in claim 13. In addition, the “arm” referred to by the Examiner as 118 is not conducive to allowing the floor panel to rest on the flat surface in “the flat section between the outside section 118 (*sic*) and 130d or 130b,” but would instead interfere with a second mounting surface supporting a second portion of a corner of one of the floor panels, as required by claim 13. Accordingly, Applicants submit that claim 13 is patentable. Claims 15-17 and 19-20 ultimately depend from claim 13, and recite the same combination of allowable features recited in claim 13, as well as additional features that define over the prior art. Accordingly, it is requested that the rejection of claims 1-7, 9, 11-13, 15-17 and 19-20 under 35 U.S.C. § 102(b) be withdrawn.

Claims 8 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bessert in view of Gailey. Applicants respectfully traverse the rejection of claims 8 and 18 under 35 U.S.C. § 103(a). Claim 8 ultimately depends from claim 1, and claim 18 ultimately depends from claim 13. The dependent claims recite the same combination of allowable features recited in the respective independent claims, as well as additional features that define over the prior art. Applicants submit that Gailey fails to overcome the above-described deficiencies of Bessert. Gailey is directed to a suspended ceiling assembly. (*See Abstract*). Accordingly, it is requested that the rejection under 35 U.S.C. § 103(a), of claims 8 and 18, be withdrawn.

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bessert in view of Fifer. Applicants respectfully traverse the rejection of claim 14 under 35 U.S.C. § 103(a). Claim 14 depends from claim 13, and recites the same combination of allowable features recited

in claim 13, as well as additional features that define over the prior art. Applicants submit that Fifer fails to overcome the above-described deficiencies of Bessert. Fifer is directed to a clamped floor panel assembly. (*See* Abstract). Accordingly, it is requested that the rejection of claim 14 under 35 U.S.C. § 103(a) be withdrawn.

Applicants respectfully submit that claims 1-9 and 11-20 are in condition for allowance.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully Submitted,

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